UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,676	08/31/2001	Daniel Keele Burgin	1160215-0538115	8505

26874 7590 01/25/2010

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

EXAMINER	
MOSSER, KATHLEEN MICHELE	
ART UNIT	PAPER NUMBER
3715	

NOTIFICATION DATE	DELIVERY MODE
01/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/944,676
Filing Date: August 31, 2001
Appelant(s): BURGIN ET AL.

William S. Morriss
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 26th, 2009 appealing from the Office action mailed April 17th, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appeal of U.S. Patent Application 10/272373 received by the Board May 13th, 2009 and assigned as Appeal No: 2009-010481.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0130895	Brandt et al	09-2002
6,256,620	Jawahar	07-2001
6,950,852	Kobayaghi et al	09-2005
6,694,314	Sullivan et al	02-2004

(9) Grounds of Rejection

Claims 37-53 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al (US 2002/0130895 A1) in view of Jawahar et al (US 6256620 B1) further in view of Kobayaghi et al (US 6950852).

Brandt teaches a method for providing help/support information to user including the steps of: passing a navigation event (the help signal paragraph 29) from a first frame (web page) originating from a first domain (the web file) to a second frame (the help window, paragraph 13) originating from a second domain (the instructions in the computer memory), see paragraphs 36 and 37; determining the present navigation location within the first frame using the navigation event and initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location (paragraph 31), as in **claims 37 and 45.**. Collecting data from the first fame that was collect from the user in the first frame and passing the received information to the second frame (**claims 39, 42, 47 and 50**) is shown in the tracking of the user actions in the web page, see paragraph 45.The web page of Brandt is by definition a content frame, as per **claims 40 and 48.** Brandt et al teaches receiving a user request for help (**claim 37**), see Figure 3, element 34.

Brandt fails to specifically teach: displaying the first frame and the second frame in a single web page at the user computer (**claims 37, 45 and 53**); that the user's computer, first Internet domain, and second Internet domain are separate (**claims 37, 47 and 53**); that the content of the first frame is masked so that is appears to originate from the second domain (**claims 37, 45, and 53**) and the similar feature of masking either a first or second address to create the appearance that the first and second address are

the same address (**claim 55**); that the browser is subject to the consistent page domain security requirement (**claims 37, 45 and 53**); that the automated agent monitors one or both of (i) a plurality of subsequent navigation locations of the end-user within the first frame or (ii) a plurality of subsequent navigation events initiated by the end user within the first frame, wherein the act of monitoring comprises passing the above information to the second frame (automated agent) (**claims 37, 45, and** 53); initiation a live help session and passing the data from the automated help session to the live help session (**claims 38 and 46**); passing a command from the automated support session to the first frame (**claims 41 and 49**); receiving data that was collected in the live help session and passing the data to the first frame (**claims 43 and 51**); and receiving data collected from the user in the second frame and passing the data to the live help session (**claims 44 and 52**).

Jawahar et al teaches on online system for providing live support to an end-user. The system teaches collecting all interaction of a user on a web page (content frame) and passing this information to the live support session in at least col. 12: 65 - col. 13:23. These features are substantially similar to the data collection and passing steps not taught by Brandt. The ability for the help session to send information to the user's computer, i.e. passing information from the help session to the content frame, is shown in col. 7: 37-40. The Jawahar et al system monitors all user interactions, which in the combination of the inventions, includes those interactions made with the automated help system of Brandt et al. Separation of each of the various features of Jawahar is taught in at least Figure 2. The use of multiple frames within a web-browser, including one indicating the help session and the other representing the browser location is shown in at least col. 12: 21-64. Jawahar also teaches the use of either the Netscape or Internet Explore browser (see col. 6: 8-21), both of which are known to operate under the consistent page domain security when implemented in a Windows environment. It would have been obvious to one of ordinary skill in the art to implement the live help session features of Jawahar et al with the automated help system of Brandt et al so as to implement a convenient means for a user encountering difficulties with a web page to contact a live representative to gain assistance (Jawahar et al, background).

Regarding the limitations of **claims 37, 45 and 53**, directed to the automated agent monitors one or both of (i) a plurality of subsequent navigation locations of the end-user within the first frame or (ii) a

plurality of subsequent navigation events initiated by the end user within the first frame, wherein the act of monitoring comprises passing the above information to the second frame (automated agent). Jawahar et al teaches a monitoring program which monitors all actions of a user as they browse a website, see col. 13: 9+. This function is used when the invention of Jawahar determines whether to offer the user "help". The information monitored is sent to the live help system of Jawahar et al. It would have been obvious to one of ordinary skill in the art to implement the monitoring software of Jawahar et al within the automated support system of Brandt et al so as to allow the system to monitor all actions of the user up to and including the specific request for help and allow the system to determine where users were having the most difficulties in navigating a website.

Jawahar et al, like Brandt et al fails to teach that the content of the first frame is masked so that it appears to originate from the second frame. Kobayaghi et al teaches a system and method for sharing web browser content amongst a plurality of users at remotely different locations and domains, See col. 2: 58 – col. 3: 4 and col. 3: 66 - col. 4: 3. It would have been obvious to employ the sharing technique as disclosed by Kobayaghi et al within the systems of Brandt et al and Jawahar et al so as to allow the sharing of content, including framed content, amongst a plurality of users without having to modify the underlying content and programming of the web page.

Claims 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al (US 2002/0130895 A1) in view of Jawahar et al (US 6256620 B1) further in view of Kobayaghi et al (US 6950852), as applied to claims 37 and 38 above, and further in view of Sullivan et al (US 6694314).

Brandt et al and Jawahar et al teach all features of the invention as shown above but fail to specifically teach: gathering help data associated with the live help session, updating a knowledge database with the help data, and using the help data from the updated knowledge database in a subsequent automated help session to provide assistance to the end-user (**claim 54**). Sullivan et al teaches a user support system in which the user may receive both automated support and live support. Sullivan teaches keeping a database of help provided to a user, and using this database to further enhance the automated help systems in col. 3: 39-51 and col. 13: 3-28. It would have been obvious to one of ordinary skill in the art to

implement the features of Sullivan with those of Brandt et al and Jawahar et al so as to provide a more efficient automated help system, in which users were less frequently required to seek live-help.

(10) Response to Argument

A. Claims 37-53 and 55-56 as being properly rejected under 35 U.S.C. §103(a) as obvious over Brandt in view of Jawahar and Kobayaghi

1. Claims 37-44 and 55-56

Appellant asserts that the prior art fails to teach steps a) and e) of claim 37.

a.) "the masking requirement"

Step a) of claim 37 recites:

"passing, at an end user-computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer and subject to a consistent page domain requirement, wherein the first frame comprises a set of content, wherein the set of content is masked such that it appears to originate from the second domain"

Of this limitation the appellant appear to only contend that the prior art fails to include the feature of "the set of content is masked such that it appears to originate from the second domain" (Appeal Brief, pages 15 and 16). To support this assertion the appellant argues that the NodeManager and PageManager of Kobayaghi occur within an identical domain, and thus the sharing must occur within the same domain, and therefor there is no need for masking. The examiner acknowledges that the term "masking" is not explicitly recited in the Kobayaghi reference. It is however the position of the examiner that Kobayaghi teaches the performance of this function in a manner substantially identical to that of the instant invention. The appellant describes this masking feature in paragraphs 0038-0042 of the specification as originally filed (0045-0049 of the Pre-Grant Publication No. 2002/0146668 A1), which states:

> "Additionally, the automated support server 120 can cause the content from the content provider 115 to be refreshed (step 275). However, to circumvent the consistent page domain security requirement, the annotation server 200 masks the content from the content provider 115 so that it appears to originate from the same domain as the automated agent (step 275). This masking process is described in greater detail with relation to FIG. 6.
>
> In addition to displaying the automated agent alongside the content from the content provider 115, the automated support server 120 can also display a list of options on the browser window from which the end-user 105 can choose. Responsive to the end-user 105 choosing one of the listed options, the automated support server 120 can access the resource data 215 within the automated support server 120 and determine the proper response (steps 280 and 285). That response can be displayed in the browser window (step 290).
>
> Referring now to FIG. 6, it illustrates the interaction of the annotation server 120 and the browser 195, which can communicate with each other, for example, through HTTP tunneling 295. In this embodiment, the browser 195 displays two frames: the automated support frame 300 and the content frame 305. Other frames could be used to display menus and/or dialogue associated with the automated agent. Separator 310 represents the consistent page domain security requirement that prevents the free flow of data and event information between the two frames.
>
> By circumventing the consistent page domain security requirement, the annotation server 120 allows data to be exchanged by the frames even though they originate from different domains. (As previously described, the automated agent generally originates from the automated support server's domain and the content frame originates from the content provider's domain.) First, event information 315 can be passed from the content frame 305 to the automated agent frame 300. For example, if the end-user 105 selects a link being displayed in the content frame 305, corresponding event information 315 can be passed from the content frame 305 to the automated agent frame 300 where it is available to the annotation server 120 and the automated agent. Second, commands 320 can be passed from the annotation server 120 to the content frame 305. For example, the automated agent (or live agent) can actively guide the end-user 105 by following links being displayed in the content frame 305.
>
> The role of the annotation server 120 in enabling these two types of data exchanges is illustrated by the flowchart in FIG. 7. Initially, the end-user 105, through the browser 195, activates the automated agent (step 330). Next, the annotation server 120 retrieves from the content provider 115 the page presently being displayed in the content frame 305 and identifies each link in that retrieved page (steps 335 and 340). The annotation server 120 encodes the identifier for the retrieved page and each link in the same domain as the retrieved page to appear as if they originate from the automated support server 120. In other words, the annotation server 120 encodes the links as if they originated from the same domain as the automated agent (step 345). Any "top" commands associated with the retrieved page are converted so that the automated agent frame 300 and the content frame 305 appear simultaneously within the browser window (steps 350 and 355)."

As can be seen from this passage, the "masking" of the instant invention occurs by passing all events associated with navigation through the annotation server which encodes the content of the page with the domain consistent with the domain of the second computer.

The invention of Kobayaghi et al functions in a similar fashion. This basic functionality is described in column 2, line 33 through column 3, line 4, which states:

> "FIG. 2 shows a diagram of the entire configuration of the present invention. A collaboration server comprises a CachinManager that accumulates pages dynamically generated on an original Web server for sharing, an ordinary Web server (httpd) for downloading facilities for implementing sharing of a Web server, a CommunicationManager that controls sessions among NodeManagers on each user machine, and an Embedder that embeds a PageManager. The facilities for sharing plural computers (user machines) comprise two components, namely, a module for controlling each process of a browser (Web browser 1 or Web browser 2) (NodeManager) and a module for controlling each page (PageManager). A PageManager monitors a state of each page element in a page, detects changes and remotely exchanges information with a corresponding PageManager so as to dynamically perform setting of each page element to be in the same state. Also, for synchronization in a window of a nested frame structure, a PageManager checks a hierarchical structure of a frame (n-th position of n-th nest) and, with this as an ID, communicates with a corresponding PageManager. This hierarchical structure information can be obtained on any browser without being limited by a facility of cross frame security. While there are two user machines in FIG. 2, it is possible to share a browser likewise with a three or more machines.
>
> A NodeManager controlling a browser performs communication (session and synchronization) between each PageManager and a server. A NodeManager resides in a page independent from the shared Web window and which does not migrate, and controls communication between PageManagers dynamically generated/terminated for each page loading. It also controls information across pages such as history. A PageManager and a NodeManager are embedded as Java applets which have an identical domain. Thus, regardless of the domain of the original page in which a PageManager is embedded, data communication by shared memory is performed between a PageManager and a NodeManager on any browser without being limited by a facility of cross frame security."

As can be seen from these citations, the invention of Kobayaghi embeds a PageManager within each of the original web pages. This component functions in combination with a NodeManager to allow for changes in either Web browser to be communicated to the other browser and updated/synchronized. As all events are passed through the PageManager, which has been embedded within the original page, the original pages domain becomes irrelevant to the rendering of the web pages on the user's computers. This process is analogous to the appellant's "annotation server" which is used to mask or hide the original domain. The PageManager of the Kobayaghi invention results in the same outcome, hiding or masking of the web pages original domain so as to overcome a cross frame security (consistent page domain security requirement). This result and the ability for the Kobayaghi invention to "share a multi frame page which comprising pages of plural domains" is further described in column 5, lines 49-61. Thus, even though Kobayaghi does not explicitly use the term "masking" it performs the function of masking in a manner which is analogous to that of the instantly claimed invention.

b.) displaying of the first frame and the second frame in a single web page at the end-user computer

The appellant asserts that the prior art of record fails to teach step e of claim 37 which requires "displaying the first frame and the second frame in a single web page at the end-user computer". To support this argument the appellant asserts that Jawahar only teaches such a presentation at an agent computer and not on an end-user computer. In arguing this feature, the appellant argues each reference independently and fails to consider what the prior art as a whole teaches and suggests. Firstly, it is noted that in the context of the displaying limitation, Jawahar is only being relied upon to teach that a web-browser having multiple frames, one of which is the help information, the other of which is the content information, were known in art at the time of invention. As shown in the rejection above, the Brandt reference teaches the use of two separate browser windows (content frames), one which displays content information, the other which displays help information to the end user. Brandt et al further teaches passing information between these two browser windows, but does not teach that these two windows could be displayed as a single window in a framed environment. The Jawahar interface, though explained as used by the agent providing help, provides for the ability to display these two types of content within a single web page using frames. The Brandt invention has the notable disadvantage in that the user most switch between the two browser windows or arrange them in a specific manner on their screen, in order to view both the web page content and the help information related to the web page. Framed content, as that taught by Jawahar (and Kobayaghi) do not include this disadvantage. They allow for all the information to be displayed within a single browser window. Kobayaghi confirms that the multiple framed web pages were known in the art, further Kobayaghi teaches how the passing of information between the frames (taught in Brandt as passing between separate windows) can be achieved when the information in each frame originates from a different domain. Given this, the examiner contends that one of ordinary skill in the art, reviewing the prior art as whole, would have found it obvious to modify the user interface of Brandt et al with the multiple framed interface taught in Jawahar. Such a modification represents the combination of known elements (passing of events between content frames,

displaying of multiple frames in the same browser, interfaces for the users) in a known manner (reprogramming in accordance with the protocols taught in the prior art) to produce an expected result.

2. Claims 45-52

Though the appellant asserts that these claims define a different grouping, the claims are not argued separately. As such, the claims should stand or fall with claim 37 and the examiner's arguments as stated above are equally applicable.

3. Claim 53

Like claims 45-52 above the appellant attempts to define these claims as a separate grouping. However, no distinction between these claims and that of claim 37 has been asserted. The claims should stand or fall with claim 37 and the examiner's arguments as stated above are equally applicable.

B. Whether claim 54 is properly rejected under 35 USC §103(a) as being obvious over Brandt et al in view of Jawahar, Kobayaghi, and Sullivan

Appellant first asserts that Sullivan fails to make-up for the deficiencies asserted in the above combination of Brandt et al, Jawahar and Kobayaghi. However, Sullivan is not relied upon to teach these features. Though it is noted that the appellant asserts that Sullivan teaches methods for increasing security whereas the instant invention is intended to "circumvent the consistent page domain security requirement" the types of security are remotely different. The section of Sullivan cited by appellant discusses security as it related to the content of the data being transmitted and limited only to those having permissions to access it. Whereas the consistent page domain security requirement is a security protocol related to the display and passing of information between web page frames. It is not concerned with maintaining the security of the data that is being transmitted between two different computers. Thus, any increased security taught by the Sullivan invention, is not contradictory to the intent of the instant invention.

The appellant further generally asserts that Sullivan fails to teach the features for which it is relied upon. To support this assertion the appellant states that Sullivan is “directed to technology in which information from a live help session is used to aid a support engineer" not subsequent automated help sessions. The appellant has failed to show how the citations given by the examiner fail to teach this feature. The invention of Sullivan provides for both automated and live support. In column 3, lines 39-51 Sullivan briefly describes that all information relating to help sessions (both automated and live) are passed to technical support for reporting and analysis. This reporting and analysis are described in both column 12, lines 54-62 and in column 13 lines 3-28. Both of these citations discuss the ability to analysis the data from the previous sessions to improve on automated help sessions. The claim only requires that the data be used to “provide assistance to the end-user” it makes no requirements on how the data is used. The improvement of the support system which an end-user accesses for future help, clearly meets the requirement of using the data to provide assistance as required by the claim.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kathleen Mosser/
Primary Examiner, Art Unit 3715

Conferees:

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715

/Michael Phillips/

RQAS